



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/585,456

07/07/2006

Tadashi Yano

074782-0021

5944

20277 7590 03/16/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

COUGHLIN, ANDREW J

ART UNIT

PAPER NUMBER

2889

MAIL DATE

DELIVERY MODE

03/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,456	Applicant(s) YANO ET AL.	
	Examiner ANDREW J. COUGHLIN	Art Unit 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 8-14 is/are allowed.
- 6) ☒ Claim(s) 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 03/05/2010 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner et al. (US 5,001,609).

As to claim 15, Gardner et al. teaches an LED lamp (#1 in Fig. 4 and in col. 3 ln. 17) comprising: and LED chip (#3 in Fig. 4 and in col. 3 ln. 22-23); and a light-transmissive member (#41 in col. 4 ln. 33-36 and #21 in col. 3 ln. 38 and in Fig. 5) that covers the LED chip, wherein the surface of the light-transmissive member includes an

Art Unit: 2889

upper surface portion (#41 in Fig. 5) located over the LED chip and a side surface portion (#27 in Fig. 5) located below the upper surface portion, at least part of the side surface portion having a lower transmittance than the upper surface portion (due to reflective surface #23 in Fig. 5 and in col. 3 ln. 55-57), and wherein the upper surface portion of the light-transmissive member is arranged so as to define an angle of at most 15 degrees with respect to an optical axis that perpendicularly extends through the LED chip (col. 4 ln. 59-68).

As to claim 17, Gardner et al. teaches an LED lamp (Fig. 9) comprising: a substrate ("e.g. a printed circuit board" in col. 6 ln. 41-46); an array of LED chips that are arranged two-dimensionally on the substrate (col. 6 ln. 41-46); and a plurality of light-transmissive members (#41 in col. 4 ln. 33-36 and #21 in col. 3 ln. 38 and in Fig. 5), each of which covers and associated one of the LED chips (#3 in Fig. 4 and in col. 3 ln. 22-23), wherein some of the light-transmissive members are located in the outermost part of the array of LED chips (Fig. 9), and the surface of at least each of those light-transmissive members includes an upper surface portion (#41 in Fig. 5) located over an associated one of the LED chips and a side surface portion (#27 in Fig. 5) located below the upper surface portion, at least a part of the side surface portion having a lower transmittance than the upper surface portion (due to reflective surface #23 in Fig. 5 and in col. 3 ln. 55-57), and wherein the upper surface portion of the light-transmissive member is arranged so as to define an angle of at most 15 degrees with respect to an optical axis that perpendicularly extends through the LED chip (col. 4 ln. 59-68, and col. 6 ln. 41-46).

Allowable Subject Matter

Claims 1-6 and 8-14 are allowed.

Claims 16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 16 and 18, Gardner et al. (US 5,001,609) has been shown to anticipate claims 15 and 17. However, Gardner et al. does not teach the light-transmissive member being substantially hemispherical.

Reasons for allowance of claims 1-6 and 8-14, and reasons for objecting to claims 16 and 18 can be found in the notice of allowance dated 12/29/2009.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW J. COUGHLIN whose telephone number is (571)270-7813. The examiner can normally be reached on Monday through Friday during normal business hours of 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TOAN TON can be reached on (571)272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2889

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AJC/

/Joseph L. Williams/
Primary Examiner, Art Unit 2889